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U.S. PROBATION  
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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAR 31 2008

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DEPUTY  
YAKIMA, WASHINGTON

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Eastern District of Washington  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, ) NO: CR-07-0094-LRS-7  
)  
) DEFERRED PROSECUTION  
Plaintiff, ) AGREEMENT  
)  
v. )  
)  
MARIANNE WILLARD, )  
)  
)  
Defendant. )

**AGREEMENT FOR PRE-TRIAL DIVERSION**

It appearing that you are reported to have committed an offense against the United States during 2002, in violation of Title 18, United States Code, Section 371, in that you did participate in a conspiracy to sell contraband cigarettes into Washington State, and it further appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore,

DEFERRED PROSECUTION AGREEMENT

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**ORIGINAL**

1 On the authority of the Attorney General of the  
2 United States, by James A. McDevitt, United States  
3 Attorney for the Eastern District of Washington,  
4 prosecution in this District for this offense shall be  
5 deferred for a period of twelve months from the date  
6 of the signing of this agreement, provided you abide by  
7 the following conditions and the requirements of the  
8 program set out below:

9 Should you violate the conditions of this  
10 supervision, the United States Attorney may revoke or  
11 modify any conditions of this pre-trial diversion  
12 program or change the period of supervision which shall  
13 in no case exceed eighteen months. The United States  
14 Attorney may release you from supervision at any time.  
15 The United States Attorney may at any time within the  
16 period of your supervision initiate prosecution for  
17 this offense should you violate the conditions of this  
18 supervision and will furnish you with notice specifying  
19 the conditions of your program which you have violated.

20 If, upon completion of your period of supervision,  
21 a pre-trial diversion report is received to the effect  
22 that you have complied with all the rules, regulations  
23 and conditions above mentioned, no prosecution for the  
24 offense set out on page 1 of this agreement will be  
25 instituted in this District, and any indictment or  
26 information will be discharged.

27 Neither this agreement nor any other document filed  
28

1 with the United States Attorney as a result of your  
2 participation in the Pre-Trial Diversion Program will  
3 be used against you, except for impeachment purposes,  
4 in connection with any prosecution for the above  
5 described offense.

6 CONDITIONS OF PRE-TRIAL DIVERSION

7 1. You shall not violate any law (federal, state  
8 and local). You shall immediately contact your pre-  
9 trial diversion supervisor if arrested and/or  
10 questioned by any law enforcement officer.

11 2. You shall attend school or work regularly at a  
12 lawful occupation or otherwise comply with the terms of  
13 the special program described below. In the absence of  
14 a special program, when out of work or unable to attend  
15 school, you shall notify your program supervisor at  
16 once. You shall consult him/her prior to job or school  
17 changes.

18 3. You shall continue to live in the judicial  
19 district of Idaho. If you intend to move out of the  
20 district, you shall inform your supervisor so that the  
21 appropriate transfer of program responsibility can be  
22 made.

23 4. You shall report to your program supervisor as  
24 directed and keep him/her informed of your whereabouts.

25 5. You shall report to the United States  
26 Attorney's Office as directed and keep the United  
27 States Attorney informed of your whereabouts.

1       6. You shall strive to achieve the desired goals  
2 of the program.


3       I, MARIANNE WILLARD, assert and certify that I am  
4 aware of the fact that the Sixth Amendment to the  
5 Constitution of the United States provides that in all  
6 criminal prosecutions the accused shall enjoy the right  
7 to a speedy and public trial. I also an aware that  
8 Rule 48(b) of the Federal Rules of Criminal Procedure  
9 provides that the Court may dismiss an indictment,  
10 information, or complaint for unnecessary delay in  
11 presenting a charge to the Grand Jury, filing an  
12 information or in bringing a defendant to trial. I  
13 hereby request that the United States Attorney for the  
14 Eastern District of Washington defer any prosecution of  
15 me for violation of Title 18, United States Code,  
16 Section 1341 for a period of twelve months, and to  
17 induce him to defer such prosecution I agree and  
18 consent that any delay from the date of this Agreement  
19 to the date of the initiation of the prosecution, as  
20 provided for in the terms expressed herein, shall be  
21 deemed to be a necessary delay at my request and I  
22 waive any defense to such prosecution on the ground  
23 that such delay operated to deny my rights under Rule  
24 48(b) of the Federal Rules of Criminal Procedure and  
25 the Sixth Amendment to the Constitution of the United  
26 States to a speedy trial or to bar the prosecution by  
27 reason of the running of the statute of limitations for  
28

1 a period of fourteen months, which is the period of  
 2 this Agreement plus two months to permit adequate time  
 3 to prepare for trial, should this Agreement not be  
 4 completed.


5  
 6 I hereby state that the above has been read by me.  
 7 I understand the conditions of my pre-trial diversion  
 8 and agree that I will comply with them.

9  
 10   
 11 MARIANNE WILLARD

3-26/08  
 DATE

12   
 13 SCOT D. NASS  
 14 Defendant's Attorney

2/19/08  
 DATE

15   
 16 JANE KIRK  
 17 Assistant United States Attorney

2/25/08  
 DATE

18   
 19 United States Probation Officer

3/26/  
 DATE

20  
 21  
 22 APPROVED without passing judgment on the merits or  
 23 wisdom of this diversion.

24  
 25   
 26 LONNY R. SUKO  
 27 United States District Court Judge

3/31/08  
 DATE

prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of fourteen months, which is the period of this Agreement plus two months to permit adequate time to prepare for trial, should this Agreement not be completed.

10

I hereby state that the above has been read by me. I understand the conditions of my pre-trial diversion and agree that I will comply with them.

Marianne Willard 2-14-2008  
MARIANNE WILLARD DATE

15

SCOTT D. NASS DATE  
Defendant's Attorney

18

JANE KIRK DATE  
Assistant United States Attorney

21

22

United States Probation Officer DATE

24

25

APPROVED without passing judgment on the merits or wisdom of this

<sup>27</sup>  
DEFERRED PROSECUTION AGREEMENT  
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